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19 **UNITED STATES DISTRICT COURT**  
 20 **NORTHERN DISTRICT OF CALIFORNIA**  
 21 **SAN FRANCISCO DIVISION**

	)	
UNITED STATES OF AMERICA,	)	
	)	Civil Action No. 09-4503 SI
Plaintiff,	)	
and	)	JOINT STIPULATION FOR
	)	CONTINUANCE OF INITIAL CASE
COMMUNITIES FOR A BETTER	)	MANAGEMENT CONFERENCE,
ENVIRONMENT,	)	REQUEST FOR STATUS
	)	CONFERENCE, STATUS REPORT,
Intervenor-Plaintiff,	)	STAY OF ADR REQUIREMENTS,
	)	AND [PROPOSED] ORDER
v.	)	
	)	
PACIFIC GAS and ELECTRIC COMPANY,	)	
	)	
Defendant.	)	
	)	

22 1. Pursuant to Local Rule 6-1(b), the United States of America ("United States"),

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 JOINT STIPULATION FOR CONTINUANCE OF INITIAL CASE MANAGEMENT CONFERENCE, REQUEST  
 FOR STATUS CONFERENCE, STATUS REPORT, STAY OF ADR REQUIREMENTS, AND [PROPOSED]  
 ORDER- Civil Action No. 09-4503 SI

1 Pacific Gas and Electric Company (“PG&E”), and Communities for a Better Environment  
2 (“CBE”) hereby stipulate through their undersigned counsel and respectfully request of the Court  
3 that: (1) the Initial Case Management Conference, which is currently set for March 26, 2010, be  
4 continued; (2) a Status Conference be held on the date and at the time originally scheduled for  
5 the Initial Case Management Conference; and (3) all requirements and deadlines in this case  
6 related to the Court’s Alternative Dispute Resolution (“ADR”) programs be stayed. The parties  
7 suggest that the future date for the Initial Case Management Conference be set at the proposed  
8 Status Conference.

9 2. The Court previously granted a request extending the date for the Initial Case  
10 Management Conference (Dockets Nos. 14 and 15). This extension was requested in part  
11 because the United States published notice in the Federal Register (74 Fed. Reg. 57703)  
12 extending the public comment period beyond the original 30 day period (74 Fed. Reg. 51170-  
13 51171). The United States extended the public comment period after meeting with citizens that  
14 sought additional information on the proposed settlement. On March 3, 2010, the Court granted  
15 CBE’s Motion to Intervene, which was not opposed by the United States or PG&E. (Docket  
16 Nos. 16, 18, 20, 23).

17 3. The United States has been in separate discussions with PG&E and CBE  
18 regarding the proposed settlement. In addition to these discussions, the United States is  
19 reviewing and fully considering the information provided during the public comment period. At  
20 the conclusion of this process, the United States will request the Court to enter, not enter, or take  
21 other action concerning the Consent Decree. Therefore, depending upon the future action taken,  
22 there may be no need to hold a case management conference or for the parties to file a joint case  
23 management statement.

24 4. Notwithstanding this request that the Initial Case Management Conference be  
25 continued, the parties believe it important to inform the Court of the status of this action.  
26 Therefore, the parties respectfully request that a Status Conference be held on the date and at the  
27 time originally scheduled for the Initial Case Management Conference, at 2:30 p.m. on March  
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1 26, 2010.

2 5. Furthermore, given the nature of this case, Court-mandated participation in the  
3 Court's ADR programs is unnecessary. Accordingly, the parties request that all ADR  
4 requirements and deadlines in this case be stayed until the Court orders otherwise.

5 6. As to discovery which cannot be propounded until a Case Management  
6 Conference is held, CBE reserves the right to request that the Court permit limited discovery  
7 prior to the Case Management Conference. Any such request will be separately made. PG&E  
8 reserves the right to oppose any such request. At this time, the United States takes no position  
9 on any such request but reserves the right to respond as appropriate.

10 7. CBE also reserves the right to move to join another defendant. PG&E reserves  
11 the right to oppose any such motion. At this time, the United States takes no position on any  
12 such motion but reserves the right to respond as appropriate.

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JOINT STIPULATION FOR CONTINUANCE OF INITIAL CASE MANAGEMENT CONFERENCE, REQUEST  
FOR STATUS CONFERENCE, STATUS REPORT, STAY OF ADR REQUIREMENTS, AND [PROPOSED]  
ORDER- Civil Action No. 09-4503 SI

1 IT IS SO STIPULATED.

2 I, Bradley R. O'Brien, attest that concurrence in the filing of this joint stipulation has been  
3 obtained from David R. Farabee, the attorney for Defendant PG&E, and Helen H. Kang, the  
4 attorney for Intervenor-Plaintiff CBE.

5  
6 FOR THE UNITED STATES OF AMERICA

7  
8 Date March 16, 2010 /s/Bradley R. O'Brien  
9 W. BENJAMIN FISHEROW  
10 ANGELA MO  
11 BRADLEY R. O'BRIEN  
12 United States Department of Justice

13 FOR PACIFIC GAS and ELECTRIC COMPANY

14 Date March 16, 2010 /s/David R. Farabee  
15 DAVID R. FARABEE  
16 Pillsbury Winthrop Shaw Pittman LLP

17 COMMUNITIES FOR A BETTER ENVIRONMENT

18  
19 Date March 16, 2010 /s/Helen H. Kang  
20 HELEN H. KANG  
21 DEBORAH N. BEHLES  
22 ADRIENNE BLOCH  
23 Communities for a Better Environment  
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1 [PROPOSED] ORDER

2 GOOD CAUSE APPEARING, IT IS ORDERED:

3 (1) the Initial Case Management Conference, which is currently set for 2:30 p.m. on  
4 March 26, 2010, is continued to a date that will be determined at the Status Conference;

5 (2) a Status Conference shall be held at 2:30 p.m. on March 26, 2010; and

6 (3) all requirements and deadlines in this case related to the Court's ADR  
7 programs—including those set forth at Civil L.R. 16-8 and in the ADR Local Rules—are stayed  
8 until further order.

9 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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11 \_\_\_\_\_  
12 Date

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14 SUSAN ILLSTON  
15 UNITED STATES DISTRICT JUDGE